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15 **UNITED STATES BANKRUPTCY COURT**  
16 **DISTRICT OF NEVADA**

17 In re:

18 THE RHODES COMPANIES, LLC, aka  
19 "Rhodes Homes," et al.,

20 Reorganized Debtors

21 Case No.: 09-14814-LBR  
22 (Jointly Administered)

23 Chapter 11

24 **STIPULATION TO VACATE**  
25 **HEARING ON MOTION TO STAY**

26 Hearing Date: January 6, 2012  
27 Hearing Time: 9:30 AM  
28 Place: Courtroom 1

29  Affects all Debtors

30  Affects the following Debtors

1                   James M. Rhodes ("Rhodes"), by and through his undersigned counsel, and the  
2 Litigation Trust of The Rhodes Companies, LLC, et al. (the "Litigation Trust"), through their  
3 undersigned counsel, (collectively referred to hereinafter as the "Parties"), respectfully submit  
4 this *Stipulation to Vacate Hearing on Motion to Stay* (the "Stipulation") and agree and stipulate  
5 as follows:

6                   WHEREAS, on November 9, 2011, Rhodes filed his *Motion to Stay the Order Denying*  
7 *Motion to Quash Rule 2004 Examinations and Corresponding Subpoenas* (the "Motion to  
8 Stay") with the Court;

9                   WHEREAS, on November 30, 2011, the Litigation Trust filed their *Response to Motion*  
10 *to Stay the Order Denying Motion to Quash Rule 2004 Examinations and Corresponding*  
11 *Subpoenas* (the "Response") with the Court;

12                   WHEREAS, a hearing on the Motion to Stay has been scheduled for January 6, 2012 at  
13 9:30 a.m. (PST);

14                   WHEREAS, Rhodes has agreed to withdraw the Motion to Stay.

15                   WHEREFORE IT IS HEREBY STIPULATED AS FOLLOWS:

16                   1.       The Parties respectfully request the Court vacate the hearing on the Motion to  
17 Stay currently scheduled for January 6, 2012 at 9:30 a.m. (PST).

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1 **SUBMITTED BY:**

2 **FABIAN & CLENDENIN**

4 /s/ David R. Hague

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1 **APPROVED BY:**

2 **DIAMOND MCCARTHY LLP**

4 /s/ Eric D. Madden (with permission)

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 20<sup>th</sup> day of December, 2011, I caused the foregoing document to be filed electronically via the electronic filing system of the United States Bankruptcy Court for the District of Nevada, which caused a true and correct copy of the foregoing to thereafter be served electronically via the Bankruptcy Court's ECF noticing system upon those parties registered to receive electronic service in this case.

/s/ David R. Hague

4817-1879-4766, v. 2